

United States Bankruptcy Court  
for the District of Oregon

Frank R. Alley, III, Judge  
Barbara D. Ivey, Judicial Assistant  
Lee D. Brice, Law Clerk



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March 17, 2009

Mr. John Pries  
860 Olive Street  
Eugene, OR 97401

Mr. Fred Long  
PO Box 467  
Eugene, OR 97440

RE: Case No. 06-62273-fra13 CAROL S. CARPENTER

Gentlemen:

I have reviewed the Trustee's motion to dismiss (Document No. 36) and the Debtor's response (Document No. 39).

The motion was submitted on the Court's form 1366. The notice accompanying the motion provides that the Court will dismiss the case within 28 days of the service date (in this case February 10, 2009) if the debtor fails to do one of the following:

1. Cure any existing default in plan payments;
2. File a modified plan;
3. File a motion to dismiss or convert;
4. File a motion for a hardship discharge;
5. File a written request for a hearing *stating specific grounds for denial of the motion.*

The Debtor's response, filed by her attorney, states only that the attorney has been unable to reach the Debtor, and that he requires additional time in which to make contact. This is insufficient, for the following reasons:

– It is Debtor's duty to remain accessible to the Trustee and to counsel, and her failure to do so does not constitute a defense to the motion to dismiss.

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– According to the Trustee's motion the Debtor has missed seven required plan payments, and has failed to submit 2007 tax returns and refunds. The Court may fairly infer that the Debtor is aware of her default.

– Debtor presents no reason why the motion to dismiss should not be allowed.

For these reasons the Trustee's motion must be allowed, effective immediately.

The foregoing constitutes the Court's findings of fact and conclusions of law. An order consistent with the foregoing will be entered.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Alley', with a stylized flourish at the end.

FRANK R. ALLEY  
Bankruptcy Judge

FRA:bdi